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EXAMINER	
ALMEIDA, DEVIN E	

ART UNIT	PAPER NUMBER
2132	

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11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/810,443	FRANCZEK ET AL.	
	Examiner	Art Unit	
	Devin Almeida	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the papers filed 9/24/2007. Claims 1-20 were received for consideration.

Response to arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ji et al (5,623,600) in view of Arnold et al (5,440,723). Ji teaches with respect to claim 1, a method comprising: receiving (by a server) computer data (files) from a first computer (i.e. a node from which the files came) for transmission to a second computer (i.e. a recipient node which is to receive the files) via a network (figure 1 element 28); and screening (figure 8B) the computer data for at least one virus before communicating the computer data to the second computer (see Ji Abstract, column 3 lines 52-63 and column 10 lines 26 – column 11 line 40). Ji does not teach wherein said screening comprises creating a model of the second computer, installing a program contained in

the computer data on the model and screening the model for the at least one virus. Arnold teaches wherein said screening comprises creating a model of the second computer, installing a program contained in the computer data on the model and screening the model for the at least one virus (see column 8 line 28-60). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have install the computer data on a model machine to check of virus because it is the safest and most reliable way of check for viruses (see column 8 line 28-60). Therefore one would have been motivated to have installed computer data on a model machine for the scanning of viruses.

With respect to claim 2, wherein the network comprises an IP network (see Ji column 4 lines 17-32).

With respect to claim 3, if the at least one virus is detected, performing at least one of the following: (i) inhibiting communication of at least a portion of the computer data to the second computer; (ii) removing the at least one virus from the computer data prior to transferring the computer data to the second computer; (iii) communicating a message indicating that the at least one virus was detected to the second computer; (iv) communicating a message indicating that the at least one virus was detected to the first computer; and (v) writing data to a database indicating that the at least one virus was detected (see Ji figures 8A, 8B, 8C and column 11 lines 6-40).

With respect to claim 4, receiving computer data from the second computer for transmission to the first computer; and screening the computer data received from the second computer for at least one virus before communicating the computer data

received from the second computer to the first computer (see Ji Abstract, column 3 lines 52-63 and column 10 lines 26 – column 11 line 40 i.e. node 33 also performs virus detection on all messages being transmitted into or out of an associated network).

With respect to claim 5, a virus screening device operative to be connected to a network and operative to screen computer data received from a first compute (e.g. an element 30 in network 22) for at least one virus before communication the computer data to a second computer (e.g. an element 30 in network 24), the virus screening device (see figure 1, column 3 lines 52-63 and column 10 lines 26 – column 11 line 40). Ji does not teach a model of the second computer, the model configured to have a program contained in said computer data installed thereon, and wherein said model is further configured to be screened for the at least one virus. Arnold teaches a model of the second computer, the model configured to have a program contained in said computer data installed thereon, and wherein said model is further configured to be screened for the at least one virus (see column 8 line 28-60). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have install the computer data on a model machine to check of virus because it is the safest and most reliable way of check for viruses (see column 8 line 28-60). Therefore one would have been motivated to have installed computer data on a model machine for the scanning of viruses.

With respect to claim 6, wherein the network comprises an IP network (see Ji column column 4 lines 17-32 i.e).

With respect to claim 7, wherein a configuration associated with the second computer routes communicated data to the virus screening device (see column 3 lines 52-63 node 33 also performs virus detection on all messages being transmitted into or out of an associated network, and column 10 lines 26 – column 11 line 40).

With respect to claim 8, a third computer communicatively linked to the second computer via a local area network (see figure 1 e.g. there is many element 30 in network 24), wherein the virus screening device resides outside the local area network (see figure 1 e.g. node 26).

With respect to claim 9, wherein the computer data comprises an electronic mail message (see Ji Abstract i.e. SMTP).

With respect to claim 10, wherein the computer data comprises data requested by the second computer from the first computer (see Ji Abstract, column 6 lines 55 – 61).

With respect to claim 11, a method comprising: receiving screened data from a network-based virus screening device configured to screen data for at least one virus before communicating the data to a first computer; and forwarding the screened data to the first computer (see Ji Abstract, column 3 lines 52-63 and column 10 lines 26 – column 11 line 40). Ji does not teach wherein said screening comprises creating a model of the second computer, installing a program contained in the computer data on the model and screening the model for the at least one virus. Arnold teaches wherein said screening comprises creating a model of the second computer, installing a program contained in the computer data on the model and screening the model for the at least

one virus (see column 8 line 28-60). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have install the computer data on a model machine to check of virus because it is the safest and most reliable way of check for viruses (see column 8 line 28-60). Therefore one would have been motivated to have installed computer data on a model machine for the scanning of viruses.

With respect to claim 12, receiving a request for requested data from the first computer; sending the request across a network to a second computer; and requesting that the requested data be returned via the network-based virus screening device (see Ji figures 6A, 6B, and 6C and column 6 lines 55 – column 9 line 26).

With respect to claim 13, wherein the network comprises an IP network (see Ji column column 4 lines 17-32).

With respect to claim 14, wherein the network-based virus screening device resides within a wide area network, and wherein the method further comprises: receiving across a local area network (see figure 1 element 22) a request for requested data from the first computer; sending the request across the wide area network to a second computer (see figure 1 e.g. element 30 in node 22 sends data to element 30 in network 26); and requesting that the requested data be returned via the network-based virus screening device (see Ji figures 1, 6A, 6B, and 6C and column 6 lines 55 – column 9 line 26).

With respect to claim 15,receiving a request for requested data from the first computer at a modem external to the first computer (see figure 1); and initiating

communication of the request from the modem across an IP network to a second computer (see Ji column column 4 lines 17-32 i.e).

With respect to claim 16, forwarding a request to terminate a virus screening function of the network-based virus screening device (see Ji column 11 lines 6-40 i.e. do nothing and transfer mail message).

With respect to claim 17, configuring the network-based virus screening device to inhibit communication of at least a portion of the requested data (see Ji column 11 lines 6-40).

With respect to claim 18, configuring the network-based virus screening device to inhibit communication of executables to the first computer (see Ji column 11 lines 6-40).

With respect to claim 19, wherein the network-based virus screening device resides within a wide area network, and wherein the method further comprises: configuring the network-based virus screening device to inhibit communication of executables to the first computer (see Ji column 11 lines 6-40); and configuring an electronic mail system associated with the first computer to route messages addressed to the first computer through the network-based virus screening device (see Ji figure 6A, 6B, 6C and column 6 lines 55 – 9 line 26).

With respect to claim 20, wherein the first computer is communicatively coupled to a local area network and the network-based virus screening device resides outside a firewall associated with the local area network, and wherein the method further comprises: configuring the network-based virus screening device to inhibit communication of executables to the first computer (see Ji column 11 lines 6-40); and

configuring an electronic mail system associated with the first computer to route messages addressed to the first computer through the network-based virus screening device (see Ji column 11 lines 6-40).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Almeida whose telephone number is 571-270-1018. The examiner can normally be reached on Monday-Thursday from 7:30 A.M. to

5:00 P.M. The examiner can also be reached on alternate Fridays from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DA

Devin Almeida
Patent Examiner
10/22/2007

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